

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SIROUS ASGARI,

Defendant.

Case No. 1:16-cr-124

OPINION & ORDER
[Resolving Doc. [101](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Sirous Asgari moves to waive his constitutional right to a jury trial in this criminal case.¹ The government opposes that motion.²

Rule 23 of the Federal Rules of Criminal Procedure requires criminal cases to be tried to a jury unless the government consents to a bench trial.³ So the Court must deny Asgari's motion.

As to Asgari's claim that he will not receive a fair and impartial trial if the case is tried to a jury, the Court is confident that the voir dire process will be sufficient to mitigate any risk of bias stemming from Asgari's nationality. The Court is also confident that this case is not so complex that a jury of Asgari's peers would be unable to fairly and competently weigh the evidence.

For those reasons, Asgari's motion to waive his right to a jury trial is **DENIED**.

IT IS SO ORDERED.

Dated: April 3, 2018

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

¹ Doc. [101](#).

² Doc. [103](#).

³ Fed. R. Crim. P. 23(a)(2); accord. *Singer v. United States*, 380 U.S. 24, 34–35 (1965) (“[T]here is no federally recognized right to a criminal trial before a judge sitting alone The ability to waive a constitutional right does not ordinarily carry with it the right to insist upon the opposite of that right.”).